IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.48068-M of 2006

DATE OF DECISION: OCTOBER 10, 2006

Gaganjit Singh @ Gajjan Singh and others

...PETITIONERS

VERSUS

State of Punjab

....RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. D.D.Sharma, Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.
Mr.J.S.Toor, Advocate,
for the complainant.

...

The petitioners apprehending their arrest in a non-bailable offence in case FIR No.99 dated 2.8.2006 registered under Sections 420/465/467/468/471/506/120-B IPC at Police Station Sadar Nabha, has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.

I have heard the counsel for the parties and gone through the contents of the FIR.

This order be read in continuation of the earlier order dated August 18, 2006 passed by this Court.

In the aforesaid FIR, it has been alleged that an agreement of sale was obtained by the accused by playing fraud and misrepresentation. The complainant as well as the purchasers have already filed the civil suits. In a suit for permanent injunction filed by the complainant, no injunction has been granted. In a suit for specific performance filed by the purchaser/one of the petitioners, a written statement has been filed in which the complainant has taken the stand that her signatures were obtained on the said agreement by playing fraud and misrepresentation. This is a question of fact which will be gone into by the Civil Court at the time of the evidence.

Counsel for the petitioners contends that in terms of the aforesaid interim order, all the petitioners have joined the investigation. This fact has not been disputed by the State counsel.

In view of the above and for the reasons stated in the interim order dated August 18, 2006, without expressing any opinion on the merits of the case, the same is made absolute on the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter, the petitioners shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

October 10, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE